

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, INC., et al.,

CASE NO. C19-0990JLR

Plaintiffs,

ORDER TO SHOW CAUSE

V.

CHUN WONG, et al.,

Defendants.

The Federal Rules of Civil Procedure provide the court with various tools “to

prevent undue delays in the disposition of pending cases and to avoid congestion in the

calendars of the District Courts.” *Link v. Wabash R. Co.*, 370 U.S. 626, 629-30 (1962)

(citing Fed. R. Civ. P. 41(b)). Specifically, as the court has previously reminded

Plaintiffs Amazon.com, Inc. and Nite Ize, Inc. (collectively, "Plaintiffs"). Federal

²⁰ Civil Procedure 4 requires a plaintiff to serve the defendant with a summons and a copy

⁶¹ The first edition of the *Classification of the Books of the Bible* (1881) was published by the Society for Promoting Christian Knowledge (SPCK).

¹¹ 9) \rightarrow 1.2 (action = E, 1 R, G) \rightarrow 1.4 (R, 1, 4(G)) \rightarrow 1E, 1, 1R, 1, G (G) \rightarrow 1

¹¹ See, e.g., *id.* at 1-2 (quoting Fed. R. Civ. P. 4.1 Rule 4(m)). The Federal Rule of Civil Procedure

1 41(b) allows the court, on its own motion, to dismiss a plaintiff's action with prejudice
 2 for failure to comply with the Rules or for want of prosecution. *See* Fed. R. Civ. P.
 3 41(b); *see also* *Link*, 370 U.S. at 629 ("The authority of a federal trial court to dismiss a
 4 plaintiff's action with prejudice because of his failure to prosecute cannot seriously be
 5 doubted.").

6 Plaintiffs filed this action more than two years ago and named as Defendants Chun
 7 Wong, Adam Jones, Jacky Likens, Shenzhen Haiming Limited, Hu Nan Yun Dong
 8 Limited, James Lee, Steve Max, Zack Grey, Jeffrey Hall, Derek Wilson, and Jacob Smith
 9 (collectively, "Defendants"). (Compl. (Dkt. # 1) ¶¶ 10-20.) After Plaintiffs failed to
 10 serve Defendants within the time allowed by Federal Rule of Civil Procedure 4, the court
 11 ordered Plaintiffs to show cause why the case should not be dismissed for failure to
 12 comply with that rule. (OSC at 2.) Plaintiffs responded and advised the court of their
 13 difficulties serving Defendants, requested additional time to complete service, and
 14 indicated that they would seek authorization to serve Defendants by e-mail. (OSC Resp.
 15 (Dkt. # 9) at 1-4.) Plaintiffs further represented that, with respect to Shenzhen Haiming
 16 Limited and Hu Nan Yun Dong Limited, they requested service through the Hong Kong
 17 government on July 15, 2019 and expected a response later that year. (OSC Resp. at 2;
 18 Alt. Service Mot. (Dkt. # 11) at 4 n.1.)

19 With leave of the court, Plaintiffs served the nine individuals named in the
 20 complaint by e-mail. (See 11/12/19 Order (Dkt. # 14) (permitting service by e-mail);
 21 11/25/19 Affidavit of Service (Dkt. # 15) (indicating that Messrs. Grey, Hall, Jones,
 22 Likens, Max, Smith, Wilson, Wong, and Lee were served with the complaint on

1 November 20, 2019).) Thereafter, Plaintiffs added Mr. Jiang and Mr. Bao as Defendants.
 2 (Am. Compl. (Dkt. # 31) ¶¶ 21-22.) With assistance from the Attorney General of
 3 Canada, Mr. Wong, Mr. Jiang, and Mr. Bao were served with the amended complaint in
 4 April 2021. (See 5/17/21 Buono Decl. (Dkt. # 36) ¶ 3 (notifying the court that Mr. Jiang
 5 was served on April 12, 2021); 6/22/21 Buono Decl. (Dkt. # 39) ¶ 3 (notifying the court
 6 that Mr. Wong was served on April 12, 2021); 6/23/21 Buono Decl. (Dkt. # 40) ¶ 3
 7 (notifying the court that Mr. Bao was served on April 6, 2021).) Thus, as of April 12,
 8 2021, Plaintiffs had successfully served all of the individual Defendants. It does not
 9 appear that either Shenzhen Haiming Limited or Hu Nan Yun Dong Limited have been
 10 served yet (*see generally* Dkt.), and it is not clear whether Plaintiffs have taken further
 11 steps to perfect service.

12 To date, however, only Mr. Wong has appeared through counsel and filed an
 13 answer. (See Not. (Dkt. # 35); Answer (Dkt. # 41).) Plaintiffs have obtained orders of
 14 default against Messrs. Grey, Hall, Jones, Likens, Max, Smith, Wilson, and Lee (6/4/21
 15 Order (Dkt. # 38)) but have not sought to reduce those orders to judgment (*see generally*
 16 Dkt.). Nor have Defendants moved for an order of default against Mr. Bao and Mr.
 17 Jiang, although neither has appeared or answered the complaint. (*Id.*)

18 Accordingly, the court ORDERS Plaintiffs to SHOW CAUSE within ten (10) days
 19 of the date of this order why this action should not be dismissed, except as to Defendant
 20 Chun Wong, based on Defendants' failure to:

21 (1) serve Defendants Shenzhen Haiming Limited and Hu Nan Yun Dong
 22 Limited, as required by Rule 4; and

(2) diligently prosecute the action against Defendants Messrs. Grey, Hall, Jones, Likens, Max, Smith, Wilson, Lee, Jiang, and Bao.

Dated this 25th day of October, 2021.

John P. Blant

JAMES L. ROBART
United States District Court Judge